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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 KYUNGZA NAMKOONG
19485 Kilfinan Street
Northridge, CA 91326

14 Registered Nursing License No. 297921

15 Respondent.

Case No. 2008-114

A C C U S A T I O N

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17 Complainant alleges:

18 PARTIES

19 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
20 solely in her official capacity as the Executive Officer of the Board of Registered Nursing
21 (Board), Department of Consumer Affairs.

22 2. On or about November 30, 1978, the Board issued Registered Nurse
23 License No. 297921 to Kyungza Namkoong (Respondent). The Registered Nurse License was in
24 full force and effect at all times relevant to the charges brought herein and will expire on August
25 31, 2008, unless renewed.

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3. This Accusation is brought before the Board, under the authority of the

s. All section references are to the Business and Professions Code unless otherwise

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4. Section 2750 of the Business and Professions Code (Code) provides, in that the Board may discipline any licensee, including a licensee holding a an inactive license, for any reason provided in Article 3 (commencing with section Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license does not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against a licensee or to render a decision imposing discipline on the license. Under section 2764 of the Code, the Board may renew an expired license at any time within eight years after the expiration of the license.

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“The board may take disciplinary action against a certified or licensed nurse or
 eation for a certificate or license for any of the following:

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“(1) Incompetence, or gross negligence in carrying out usual certified or licensed
ons.”

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“As used in Section 2761 of the Code, ‘gross negligence’ includes an extreme departure from the standard of care, which, under similar circumstances, would have ordinarily been expected of a competent registered nurse. Such an extreme departure means the failure to provide care as required or failure to provide care or to exercise ordinary precaution in a situation in which the nurse knew, or should have known, could have jeopardized the patient’s health or life.”

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1 8. California Code of Regulations, title 16, section 1443 states:

2 “As used in Section 2761 of the code, ‘incompetence’ means the lack of
3 possession of or the failure to exercise that degree of learning, skill, care and experience
4 ordinarily possessed and exercised by a competent registered nurse as described in Section
5 1443.5.”

6 9. California Code of Regulations, title 16, section 1443.5 states:

7 A registered nurse shall be considered to be competent when he/she consistently
8 demonstrates the ability to transfer scientific knowledge from social, biological and physical
9 sciences in applying the nursing process, as follows:

10 “(1) Formulates a nursing diagnosis through observation of the client's physical
11 condition and behavior, and through interpretation of information obtained from the client and
12 others, including the health team.

13 “(2) Formulates a care plan, in collaboration with the client, which ensures that
14 direct and indirect nursing care services provide for the client's safety, comfort, hygiene, and
15 protection, and for disease prevention and restorative measures.

16 “(3) Performs skills essential to the kind of nursing action to be taken, explains
17 the health treatment to the client and family and teaches the client and family how to care for the
18 client's health needs.

19 “(4) Delegates tasks to subordinates based on the legal scopes of practice of the
20 subordinates and on the preparation and capability needed in the tasks to be delegated, and
21 effectively supervises nursing care being given by subordinates.

22 “(5) Evaluates the effectiveness of the care plan through observation of the client's
23 physical condition and behavior, signs and symptoms of illness, and reactions to treatment and
24 through communication with the client and health team members, and modifies the plan as
25 needed.

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1 e. Dr. Lee ordered Morphine Sulfate², 2mg., Versed³, 2mg. and Vecuronium⁴
2 4 mg., and instructed Respondent to administer these medications to the patient. Respondent did
3 so.

4 f. The patient was observed to become restless. The patient, who was not
5 intubated, was "breathing rapidly."

6 g. Dr. Lee then instructed Respondent to administer another 4 mg. of
7 Vecuronium to the patient. Respondent did so.

8 h. Within 2 - 3 minutes, Respondent noted that the patient was bradycardiac
9 (had a slowed heartbeat). Respondent mentioned this observation to Dr. Lee, who did not
10 immediately respond.

11 i. Dr. Lee then ordered Respondent to administer the drug Atrophine to the
12 patient, as he continued with the Ventriculostomy.

13 j. In the minutes that followed, the charge nurse intervened, pulling off the
14 drape, at which point the patient was observed to be not breathing. Patient R.J. was also
15 observed to be ashen gray in color, with pupils fixed and dilated. CPR was initiated and a code
16 called. Several attempts to intubate the patient failed.

17 k. At that time and place, the patient experienced severe brain damage while
18 deprived of oxygen due to paralysis caused by administration of the drug vecuronium to a non-
19 intubated patient.

20 j. Respondent committed acts of gross negligence and/or incompetence by
21 twice administering the drug Vecuronium, a neuromuscular blocking medication (a medication
22 causing paralysis) to a non-intubated patient.

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2. Morphine Sulfate is a potent opiod analgesic used for relief of pain.

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26 3. Versed is a brand name for the drug Midazolam a benzodiazepine derivative, with
27 relaxant and sedative properties, typically used to produce loss of sensation or loss of
consciousness during medial or dental procedures.

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4. Vecuronium is a neuromuscular blocking medication (a medication causing paralysis)
typically used to relax muscles during surgery and mechanical breathing.

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3. Taking such other and further action as deemed necessary and proper.

DATED: 10/9/07


RUTH ANN TERRY M.P.H., R.N.
Executive Officer
Board of Registered Nursing
State of California
Complainant

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